

## Doctor sues for unfair dismissal claiming Roche feared she would blow the whistle

Madeleine Brettingham *London*

A former senior manager at the pharmaceutical company Roche Products is suing the firm for unfair dismissal.

Ryta Kuzel, 39, former head of UK regulatory affairs at the company, claims that she was sacked because Roche feared she would blow the whistle to the regulatory authorities over alleged irregularities in the firm's involvement with a network of slimming clinics.

Dr Kuzel, who worked at the company from 2003 to 2005, told the Bedford Employment Tribunal that she was summarily dismissed after allegedly discovering that Roche had been supplying quantities of its weight loss drug orlistat (Xenical) worth £70 000 (\$122 000;

€103 000) to £80 000 a month to three clinics in Derbyshire, despite concerns about the legitimacy of the operation.

Dr Kuzel—who previously worked for SmithKline Beecham and was responsible for advising Roche (which makes trastuzumab (Herceptin), oseltamivir (Tamiflu), and mefloquine (Lariam)) on industry regulations—alleged that senior staff had raised suspicions about the large volume of the drug being sold to the clinics, but nothing was done.

She also claimed that Roche had itself invested £20 000 in developing the clinics.

She claimed that she was dismissed to keep her quiet following a visit by the enforcement

division of the Medicine and Healthcare Products Regulatory Agency (MHRA) in response to allegations about the clinics.

Strongly resisting her claims, Roche said that when the firm had been made aware of concerns about the legitimacy of the Derbyshire clinics, it had conducted an internal investigation, in which the MHRA had been involved. The firm emphasised that it had been cleared by the MHRA of any wrongdoing in relation to allegations about the Derbyshire clinics.

In cross examination Roche put to Dr Kuzel that she had suffered a series of communication breakdowns with a senior member of staff from the beginning of her employment with the company.

The firm contended that it made continuing efforts to repair the situation, but relations deteriorated, and Dr Kuzel was dismissed in March 2005 because of the disintegration of her relationship with the

staff member in question and her failure to comply with an agreement concerning it, the company said.

Roche's representatives have admitted to the tribunal that Dr Kuzel should not have been dismissed summarily. A spokeswoman said: "We do not feel it would be appropriate to comment in detail at this stage. We can, however, confirm that the correct process for dismissing the claimant was not followed."

"What we do dispute are the reasons given by the claimant for her dismissal. We completely reject these ... Roche takes its regulatory obligations very seriously, and we have a good track record in doing so."

The claimant is seeking financial relief for loss of earnings. A decision is expected to be reached in the coming weeks.

A spokesman for the MHRA said that it was in the process of investigating the claims against the slimming clinics in Derbyshire and could not comment on the case. □

## Health minister is stripped of his right to veto use of abortion pill

Christopher Zinn *Sydney*

The abortion pill mifepristone (known as RU486) is to become available for the first time in Australia after a contentious parliamentary debate that saw the federal health minister stripped of his power to veto the use of the drug.

In a rare conscience vote after three days of heated argument, MPs in the House of Representatives voted in favour of a bill giving the drug regulator, the Therapeutic Goods Administration, the power of approval.

The prime minister, John Howard, opposed the move, saying: "To suggest that this drug RU486 is just another drug is patently absurd, and I believe to treat it as any other drug is unsustainable."

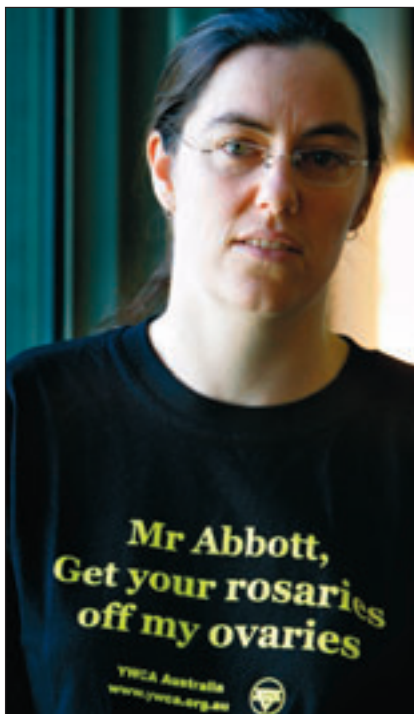
The issue provoked weeks of campaigning and controversy in the biggest row about a drug since the contraceptive pill was introduced in the 1960s.

The bill was sponsored by a cross party group of female senators, one of whom admitted she had had an abortion, but was opposed by many church and pro-life groups. One Green MP, who supported the bill, caused a row by wearing a T shirt saying "Get your rosaries off my ovaries."

The health minister, Tony Abbott, a devout Catholic, fought the changes, saying that abortion had become for some campaigners almost "a badge of liberation from old oppressions."

The Australian Medical Association had called on the government to remove the restrictions to reflect current medical and clinical opinion on the drug and to give women a safe and effective alternative to surgical abortion.

Australia was largely alone among industrialised countries in effectively blocking women's access to mifepristone, a synthetic steroid. An estimated 85 000 surgical abortions are carried out in Australia each year.



Green senator Kerry Nettle caused a furore with the slogan on her T shirt

After a change in the law in 1996 anyone wanting to use mifepristone had to have written permission from the federal health minister. Now the minister's powers have been passed

on to the Therapeutic Goods Administration's medical experts. Doctors will have to apply to the Therapeutic Goods Administration for permission to prescribe the drug.

Caroline de Costa, professor of obstetrics and gynaecology at Queensland's James Cook University, helped provoke the whole debate after an article she wrote and after her application—the first in the country—to use the drug.

She said it would help remove many of the financial, geographical, and other factors that had inhibited women's right to choose, but she said that complications associated with the drug remained.

"There have been deaths associated with this drug when it has been used in early pregnancy," Professor de Costa said. "But the number of deaths compared with the number of women who have used it ... is very small: one or less than one per 100 000 women."

Family Planning Australia says the wider availability of mifepristone would be unlikely to lead to more abortions. □